

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

ICU Industries Incorporated,

Plaintiff,

v.

Copper State Glass and Screen LLC,

Defendant.

No. CV-23-00298-TUC-AMM

**ORDER**

This matter is assigned to this Court pursuant to General Order 21-25. On May 7, 2024, Magistrate Judge Angela M. Martinez issued a Report and Recommendation ("R&R") recommending that this Court grant Plaintiff ICU Industries Incorporated's Motion for Entry of Default Judgment as to Defendant Copper State Glass and Screen LLC's liability for (1) trademark infringement under the Lanham Act; (2) false designation of origin under the Lanham Act; (3) common law trademark infringement; and (4) common law unfair competition. (Doc. 21 at 14.) Magistrate Judge Martinez further recommended the Court deny entry of default judgment as to false advertising; deny monetary damages; and provide injunctive relief enjoining Defendant's use of the infringing mark. (*Id.* at 14–15.) Magistrate Judge Martinez notified the parties they had fourteen days to file written objections. (*Id.* at 16.) Neither party filed an objection.

If neither party objects to a magistrate judge's report and recommendation, the District Court is not required to review the magistrate judge's decision under any specified standard of review. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). However, the

1 statute for review of a magistrate judge's recommendation "does not preclude further  
 2 review by the district judge, *sua sponte* or at the request of a party, under a *de novo* or  
 3 any other standard." *Id.* at 154.

4 The Court has reviewed and considered the Complaint (Doc. 1), the Motion for  
 5 Default Judgment (Doc. 19), and Magistrate Judge Martinez's R&R (Doc. 21). The Court  
 6 finds that the R&R is well reasoned and thorough, and, therefore, agrees with its  
 7 conclusions.

8 Accordingly,

9 **IT IS ORDERED:**

10 (1) The R&R is **ADOPTED**. (Doc. 21.)

11 (2) Plaintiff's Motion for Entry of Default Judgment (Doc. 19) is **GRANTED** as to  
 12 Defendant's liability for trademark infringement under the Lanham Act, false  
 13 designation of origin under the Lanham Act, common law trademark  
 14 infringement, and common law unfair competition; and **DENIED** as to  
 15 Defendant's liability for false advertising.

16 (3) Plaintiff **shall not receive monetary damages** due to lack of documentation of  
 17 or request for monetary damages.

18 (4) Defendant is **permanently enjoined from using the infringing mark**, i.e.,  
 19 "Copper State Glass and Screen," directly or indirectly, or any other mark,  
 20 word, or name similar to "Copperstate Glass & Mirror," or any derivation  
 21 thereof which is likely to cause confusion, mistake, or to deceive directly or  
 22 indirectly **in connection with window or glass replacement, installation, or**  
 23 **repair, or mirror or screen replacement, installation, or repair.**  
 24 Accordingly, Defendant shall cease such use within **30 days** of the date of this  
 25 Order.

26 (5) Defendant is **permanently enjoined from using the infringing mark**, i.e.,  
 27 "Copper State Glass and Screen," or any colorable imitation thereof, **on its**  
 28 **service vehicles, website(s), social media profiles and posts, promotional**

**materials, or any forms of advertising.** Within **30 days** of the date of this Order, Defendant shall **take down and remove all such uses** from service vehicles, website(s), social media profiles and posts, promotional materials, and all other forms of advertising.

(6) Within **30 days** of the date of this Order, Defendant **shall remove and take down** the listing at: <https://www.windowglass.us/company-copper-state-glass-screen-in-tucson-az-45147>.

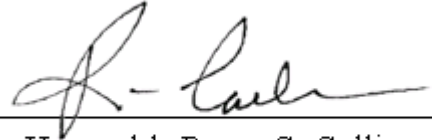
(7) Within **30 days** of the date of this Order, Defendant **shall change the name of its company** by filing papers to Amend its Articles of Organization with the Arizona Corporation Commission (Entity ID: 1965164).

(8) **It is unlawful for Defendant to use the infringing mark, including on the following platforms:**

- a. GODADDY.COM, INC., (and/or DOMAINS BY PROXY, LLC)  
(<https://copperstategs.com>; GoDaddy account number: 53519029)
- b. META PLATFORMS, INC.  
(<https://www.facebook.com/CopperStateGS>)
- c. YELP (<https://www.yelp.com/biz/copperstate-glass-and-screen-tucson>)
- d. ANGI'S LIST, INC. ("ANGI")  
(<https://www.angi.com/companylist/us/az/tucson/copper-state-glass-and-screen-co-reviews-360776.htm>)
- e. THRYV, INC ("Yellow Pages") (<https://www.yellowpages.com/tucson-az/mip/copper-state-glass-screen-co-14324137>)
- f. THE BUILDER MARKET, INC.  
(<https://thebuildermarket.com/pros/copper-state-glass-and-screen-co--60cf42>)
- g. SC CYLEX TEHNOLOGIA INFORMAȚIEI INTERNAȚIONAL SNC  
("Cylex") (<https://www.cylex.us.com/company/copper-state-glass---screen-5152661.html>)

1 (9) The Clerk of Court shall docket accordingly and close the case file in this  
2 matter.

3 Dated this 22nd day of May, 2024.

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7  
8 Honorable Raner C. Collins  
Senior United States District Judge  
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